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7 OBA LEE FRELIMO,
8 Petitioner,
9 v.
10 JEFF LYNCH, Acting Warden,¹
11 Respondent.

Case No. [21-cv-00282-YGR](#) (PR)

ORDER OF TRANSFER

12 Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus
13 challenging the most recent decision at his Board of Parole Hearing “Youth Offender hearing on
14 Dec. 15, 2020” where he was “illegally denied release from prison.” Dkt. 1 at 5-6. He has not
15 filed an *in forma pauperis* application.

16 A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two
17 or more federal judicial districts may be filed in either the district of confinement or the district of
18 conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may
19 transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in
20 California traditionally have chosen to hear petitions challenging a conviction or sentence in the
21 district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v.*
22 *Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner
23 in which a sentence is being executed, e.g., if it involves parole or time credit claims, the district
24 of confinement is the preferable forum. *See Habeas L.R. 2254-3(a); Dunne v. Henman*, 875 F.2d
25 244, 249 (9th Cir. 1989).

26 Petitioner is incarcerated at California State Prison - Sacramento in Represa, California,

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¹ Jeff Lynch, the current acting warden of the prison where Petitioner is incarcerated, has
been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 which lies within the venue of the Eastern District of California. *See* 28 U.S.C. § 84. Because
2 Petitioner challenges the execution of his sentence, the Court hereby ORDERS that pursuant to 28
3 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition be
4 TRANSFERRED to the United States District Court for the Eastern District of California.

5 If Petitioner wishes to further pursue this action, he must complete the *in forma pauperis*
6 application required by the United States District Court for the Eastern District of California and
7 mail it to that district.

8 IT IS SO ORDERED.

9 Dated: January 29, 2021

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12 JUDGE YVONNE GONZALEZ ROGERS
United States District Judge